

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

**SHELL GUAM, INC.,
a Guam corporation,**

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

**Steven A. Zamsky, Esq.
ZAMSKY LAW FIRM
Suite 805, GCIC Building
414 West Soledad Avenue
Hagatna, Guam USA 96910
Telephone: (671) 477-3637**

DEFENDANTS

M/V TENRYU MARU NO. 28

CIV03-00020

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- | | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

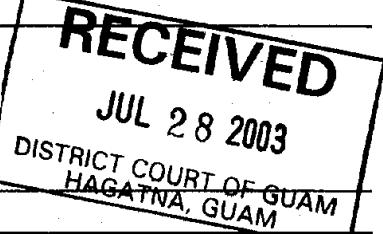
III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

Citizen of This State	PTF	DEF	PTF	DEF
<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	4	<input type="checkbox"/> 4
<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	5	<input type="checkbox"/> 5
<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	6	<input type="checkbox"/> 6

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Arrest and foreclosure and sale upon a maritime claim and lien.



V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury—Med Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury—Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 410 Voting	<input type="checkbox"/> 863 DIWC/DIWV (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 441 Employment	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
REAL PROPERTY	<input type="checkbox"/> 442 Housing/Accommodations	<input type="checkbox"/> 443 Welfare	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 444 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus:	FEDERAL TAX SUITS	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 445 General	<input type="checkbox"/> 530 General	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 446 Death Penalty	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 871 IRS—Third Party	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 447 Mandamus & Other	<input type="checkbox"/> 540 Mandamus & Other	26 USC 7609	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 448 Other	<input type="checkbox"/> 550 Other		<input checked="" type="checkbox"/> 890 Other Statutory Actions

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

(PLACE AN X IN ONE BOX ONLY)

- | | | | | | |
|---|---|--|---|---|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 another district (specify) | <input type="checkbox"/> 6 Multidistrict Litigation |
|---|---|--|---|---|---|

- Appeal to District
□ 7 Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
□ UNDER F.R.C.P. 23

DEMAND \$
\$31,223.11

Check YES only if demanded in complaint:
JURY DEMAND: □ YES NO

VIII. RELATED CASE(S) (See instructions:
IF ANY)

JUDGE _____ DOCKET NUMBER _____

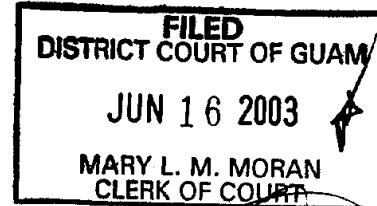
DATE

July 28, 2003

SIGNATURE OF ATTORNEY OF RECORD

Steven A. Zamsky, Esq., ZAMSKY LAW FIRM

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10 Attorneys for Plaintiff Shell Guam, Inc.

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IN THE DISTRICT COURT OF GUAM

03-00020

SHELL GUAM, INC.,
a Guam corporation,

CIVIL CASE NO. CIV _____

Plaintiff,

VERIFIED
COMPLAINT *IN REM*

vs.

M/V TENRYU MARU NO. 28,

Defendant.

COMES NOW Plaintiff Shell Guam, Inc. (hereinafter "Plaintiff Shell") and alleges as follows:

JURISDICTION

1. This is a case of admiralty and maritime jurisdiction, as will more fully appear, and is an admiralty or maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and 28 USC §1292.

OPTIONAL

PARTIES

2. At all times which shall be mentioned **Plaintiff Shell**, was and still is a corporation
duly organized and existing under and by virtue of the laws of Guam USA, with an office and
principal place of business in Guam.

FACTUAL ALLEGATIONS

3. On information and belief the M/V Tenryu Maru No. 28 (hereinafter referred to as
the "Vessel" or "M/V Tenryu Maru No. 28") is now, and/or during the pendency of this action
will be, within this district.

4. From September 16, 2002 through February 3, 2003 the Vessel's agent requested
that Shell delivered petroleum products to the Vessel.

5. From September 16, 2002 through February 3, 2003, Plaintiff Shell in fact provided
those services to the Vessel which are unpaid in a total amount of \$31,223.11.

6. The Agreement between Plaintiff Shell and the Vessel provides for the payment of
attorneys fees if an action is brought to collect any amounts owed to Plaintiff Shell.

7. As of June 16, 2003, the total amount of principal due and owing is \$31,223.11, plus
interest thereon at the rate of 18% per annum from the 30th day of each delivery.

8. Plaintiff Shell is entitled to the payment of its attorneys fees and costs.

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7 **WHEREFORE, Plaintiff Shell Guam, Inc. prays:**

8 1. For Judgment against the Vessel in the amount of \$31,223.11, plus interest at the
9 rate of 18% per annum and Plaintiff Shell's attorneys fees and costs.

10 2. That process in due form of law, according to the practices of this Honorable Court,
11 in causes of admiralty and maritime jurisdiction, issue against the **M/V Tenryu Maru No. 28**, her
12 engines, tackle, equipment, and furnishings, etc., and that all persons having or claiming any interest
13 therein be cited to appear and answer, under oath, all and singular the matters aforesaid, with
14 interest and costs; that Plaintiff Shell have a decree for its damages aforesaid, with interest,
15 attorneys fees, and costs; and that the **M/V Tenryu Maru No. 28** be condemned and sold to satisfy
16 Plaintiff Shell Guam, Inc.'s Judgment.

17 3. That Plaintiff Shell have such other and further relief as this Court and justice may
18 deem just and appropriate under the circumstances.

19 Dated this 16 day June 2003.

20 **ZAMSKY LAW FIRM**
21 Attorneys for Plaintiff Shell Guam, Inc.

22 By: _____

23 **STEVEN A. ZAMSKY**

1 **VERIFICATION**

I, Philip W. Stalker, Vice President/Director of Finance of Shell Guam, Inc., have read the foregoing **Verified Complaint *In Rem*** and know the contents thereof, and that they are true and correct to the best of my knowledge and belief, except as to the matters therein stated on information and belief, and as to those matters believe them to be true.

Dated this 17 day of June 2003.

PHILIP W. STALKER

GUAM USA)
MUNICIPALITY OF HAGĀTÑA)
ss)

On this 16th day of June 2003, before me, the undersigned Notary Public, duly commissioned in and for Guam USA, personally appeared **Philip W. Stalker**, known to me to be the **Vice President/Finance Director** of **Shell Guam, Inc.** and acknowledged to me that he executed the foregoing **Verified Complaint *In Rem*** in such capacity, being fully authorized to do so, and for the purposes and considerations contained therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
date last above written.

NOTARY PUBLIC

**MARIE T. CAMACHO
NOTARY PUBLIC**
In and for Guam USA
My Commission Expires: February 10, 2007
My Commission Number: NP#03-0004
Post Office Box 3745 Hagåtña, Guam USA 96932